

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**KATHRYN TOWNSEND GRIFFIN,
HELEN McDONALD, the
Estate of CHERRIGALE TOWNSEND,**

Plaintiffs,

vs.

CASE NO:

1:17-CV-05221

**CASE MANAGEMENT
AND SCHEDULING
ORDER**

**EDWARD CHRISTOPHER SHEERAN, p/k/a
ED SHEERAN, et.al.,**

Defendants.

RICHARD J. SULLIVAN, District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management and Scheduling Order.

1. All Parties do not consent to disposition of this case by a Magistrate, pursuant to Title 28 of the United States Code, Section 636(c).
2. This case is to be tried by a jury.
3. No additional Parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) shall be completed no later than October 20, 2017.

6. All fact discovery to be completed no later than March 15, 2018.¹
7. The Parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the Parties on consent without application to the Court, provided that the Parties meet the deadline for completing fact discovery set forth in Paragraph Six (6) herein above.
 - a. Initial requests for production of documents shall be served by October 27, 2017.
 - b. Initial Interrogatories, if any, shall be served by October 27, 2017.
 - c. Depositions shall be completed by March 15, 2018.
 - i. Absent an agreement between the Parties or an Order from the Court, depositions are not be held until all Parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as a Plaintiff or a Defendant.
 - iii. Absent an agreement between the Parties or an Order from the Court, non-party depositions shall follow initial party depositions.
 - d. Requests to Admit, if any, shall be served no later than January 15, 2018.
8. All expert disclosures, including reports as required by Rule 26 shall be completed pursuant to the following deadlines:
 - a. Expert(s) of Plaintiff(s): Report(s) of Musicologist Expert—November 6, 2017
All other experts—April 16, 2018
 - b. Expert(s) of Defendant(s): Report(s) of Musicologist Expert—December 6, 2017
All other experts—May 15, 2018
9. All discovery shall be completed no later than June 15, 2018.
10. The Court will conduct a post-discovery conference on _____
[To be completed by the Court].
11. If either Party contemplates a motion, the post-discovery conference will function as a pre-motion conference. Pre-motion letters are to be submitted by _____

¹ By virtue of the fact that Mr. Sheeran resides outside of the United States and currently is on tour, the Parties stipulate that the provision of an additional sixty (60) days to be added to the discovery period shall help to facilitate necessary discovery.

[To be completed by the Court]. Pursuant to Rule 2.A of the Court's Individual Practices, responses to pre-motion letters are to be submitted within three (3) business days from the date of submission of the initial pre-motion letter. Pre-motion letters and responses shall be submitted pursuant to Rule 1.A of the Court's Individual Practices.

12. If neither Party contemplates a dispositive motion, the post-discovery conference will function as a pre-trial conference at which a trial date will be set.
13. Counsel for the Parties request a settlement conference before a Magistrate Judge of the Southern District's Mediation Program and request:
 - a. _____ Referral to a Magistrate Judge for settlement discussions;
 - b. X Referral to the Southern District's Mediation Program.²

The Parties are to contact _____ by _____.

[To be completed by the Court after consultation with the Parties].

14. Parties have conferred and their present best estimate of the length of trial is five (5) to seven (7) days.
15. In the case of a discovery dispute, unless otherwise directed, Parties should describe their discovery disputes in a single letter, jointly composed, not to exceed five (5) pages. Separate and successive letters will not be read. Strict adherence to the Federal Rules of Civil Procedure, Rule 37(a)(1), the "meet and confer" rule, is required and should be described in the joint submission as to time, place, and duration, naming the counsel involved in the discussion. The joint letter shall describe concisely the issues in dispute and the respective position of each party, citing the applicable authority that the respective Parties claim for support. As a general matter, affidavits or exhibits are not permitted in connection with discovery dispute letter without prior written request and permission. However, when the dispute concerns the refusal to respond to a specific written request, the Parties shall attach that request. If an opposing Party refuses to participate in writing a joint letter or does not provide its portion of a joint letter within seventy-two (72) hours of a Party's request, a Party may submit a letter without the opposing Party's contribution and shall attach a copy of the correspondence seeking the opposing Party's contribution.

² The Parties do not wish to engage in the Mediation Program until Musicologist Reports have been exchanged in accordance with Item No. 8 above.

16. No request for an extension of the deadlines set forth in Paragraphs Six (6), Eight (8) and Nine (9) shall be granted unless the Parties seeking the extension show good cause for the extension and specifically explain (1) what discovery has already been completed, (2) what discovery remains to be done, and (3) why the Parties were unable to comply with the preexisting deadlines. As a general matter, the Court will not adjourn a deadline by more than the number of days remaining from the time of the request to the original deadline. (For example, if at the time of the request there are twenty (20) days left before the deadline, the Court will not adjourn the deadline more than twenty (20) days.).

SO ORDERED.

DATED this _____ day of _____, 2017

New York, New York

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE